

THE CONCEPTUALIZATION OF PROBATION

How people think about an issue determines how they respond to it. Therefore, this section considers emerging ideas about the purpose and role of justice, in general, and juvenile probation, in particular. It also reviews research literature on effective probation practices. Finally, it provides a summary of criticisms of the field and proposals for redesigning probation to be a more effective component of the juvenile justice system.

Historical Justice Traditions

As early as the reign of King Hammurabi in Babylon, from 1792 to 1750 B. C., laws for dealing with crime were codified. The Code of Hammurabi consisted of a collection of 282 judgments used in actual cases during that time. According to these case laws, if someone wronged another, repayment (often with interest) or a punishment in kind was required (Klein, 1996). Principles that supported this code included “the strong should not injure the weak and . . . punishment should fit the crime.” Over time, other legal perspectives evolved that have influenced the present United States justice system. King William I, who conquered England in 1066 A. D., imposed royal authority on the courts to ensure the supremacy of the king. He decreed that crimes were a disruption “of the King’s peace.” Offenders were held accountable to the King’s Courts rather than their victims and communities. This system bolstered the king’s power over his subjects and increased his wealth, as fines were paid to the court rather than restitution being paid to victims (Quinn, 1996).

The result of this evolutionary process is a modern justice system that focuses on symbolic punishment by the state rather than accountability of offenders to their victims (Pranis, 1998b). American justice has emerged as a structure that generally is controlled by the state and focused on the offender. However, beginning with the victims’ and women’s rights movements in the 1970s, the needs of the wronged victim and the community gained greater recognition. Presently, the criminal and juvenile justice systems find themselves being redefined and reshaped.

John Augustus and many other proponents of probation originally saw its main advantage as the rehabilitation of individuals, thus preventing them from continuing a life of crime. Over time, a variety of purposes for probation have evolved and gained support. Harris (1996)

distinguishes between punitive and utilitarian goals of criminal justice sanctions. *Just deserts* addresses the unlawful actions of offenders through the imposition of deserved retribution. The worse the crime, the more severe the punishment, and, supposedly, all offenders committing similar transgressions are sanctioned similarly. On the other hand, sanctioning goals of deterrence, incapacitation, and rehabilitation all serve utilitarian purposes of preventing future crime. *Deterrence* reduces offenders' inclinations to commit further crimes by punishing them in such a way that they will not want to commit crimes and receive similar sanctions in the future. Punishment of one offender may also deter others from committing crimes if they see the consequences for doing so. *Incapacitation* is also intended to prevent crime by reducing the offender's opportunity to commit further crimes. *Rehabilitation* is a crime-prevention strategy that also is intended to reduce the offender's desire to commit crimes. Treatment, employment, educational, and personal development strategies often are associated with rehabilitation.

Evolving Justice Concepts

As illustrated in the foregoing discussion of the justice system's history and the varied purposes served by juvenile probation, meanings and practices do not remain static. Currently, there is much discussion and excitement within the field of community corrections about changes in underlying philosophies as well as in juvenile probation practices.

Community Justice

Community justice is a philosophy of criminal and juvenile justice with related methods of implementation. This way of viewing justice places the community and victims at the center of justice activities (Barajas, 1998). The American Probation and Parole Association (2000) has issued a Position Statement on Community Justice that contains the following working definition:

Community justice is a strategic method of crime reduction and prevention, which builds or enhances partnerships within communities. Community justice policies confront crime and delinquency through proactive, problem-solving practices aimed at

Clear and Corbett, 1999, p. 24

in a local ecology, locating offenders in an environment rich with relational and structural features which both encourage and restrain criminal behavior."

prevention, control, reduction and reparation of the harm crime has caused. The goal is to create and maintain vital, healthy, safe and just communities and improve the quality of life for all citizens.

Rather than being reactive and adversarial, as the traditional justice system has been, community justice is proactive, emphasizing crime prevention and collaboration. The community is the focus of the justice system's work and, with victims, is its ultimate customer (Barajas, 1998). From this perspective, the community ultimately is responsible for its members, and, in turn, individual community members are responsible to the larger community (Carey, 1999). Crime, then, becomes more than a violation of the law; it causes distrust between citizens (Clear and Corbett, 1999).

The concept of community justice has evolved, in part, because of the realization that crime is too complex to be dealt with in isolation from other multifaceted issues, such as health and social well-being. Therefore, all parts of the community must be engaged in setting goals and finding solutions to problems that lead to crime, illness, poverty, and other circumstances that preclude community safety, well-being, and vitality. To achieve justice, the focus of efforts must go beyond the individual offender and the juvenile justice system to embrace and include crime victims and community members. Thus, through community justice principles and processes, "communities are empowered to solve problems at the neighborhood level, before they escalate into serious violations of peace, safety, and harmony" (p. 24). This may include addressing problems that result in social disorder as well as holding individual offenders accountable for their unlawful behavior (Barajas, 1998).

Community justice is carried out in a variety of ways and should be individualized for the needs of each community. However, in general, the justice system serves the community in the following ways (Barajas, 1998, p. 20):

- Striving to repair the damage caused by crime to individual victims and communities;
- Working to prevent crime and its harmful effects;
- Doing justice by addressing problems rather than merely processing cases; and
- Promoting community protection through proactive, problem-solving work practices plus interventions aimed at changing criminal behavior.

Clear and Corbett (1999) contend that the justice process, in a community justice framework, should be built around fact-finding, problem-solving, and sanctioning. They identify four

parties in their community justice model and the respective tasks that each must undertake. These include:

1. The offender, whose tasks are:

- Taking responsibility for the offense (e.g., admitting he committed the offense and it was wrong);
- Taking responsibility for the effects of the offense on the victim and on the community (e.g., making restitution to the victim and performing community reparation services); and
- Taking affirmative actions that restore the community's and victim's confidence in the offender (e.g., participating in treatment, maintaining behavioral limits, making full restitution).

2. The victim, whose tasks are:

- Stating the scope of losses resulting from the crime;
- Determining the type of resources necessary to restore, to the extent possible, the losses suffered; and
- Determining what conditions are necessary for the offender to make amends.

3. The community, whose tasks are:

- Recognizing the importance of losses through victimization and providing support necessary for the victim to achieve optimal recovery;
- Providing opportunities for the offender to perform reparative tasks for the victim and the community and levying sanctions appropriate to the offense and the offender; and
- Helping the offender obtain assistance and support needed to live in the community crime-free (e.g., treatment, employment, education).

4. Justice officials, whose tasks are:

- Assisting the other three parties (victim, offender, community) to achieve their tasks;
- Providing consultation and management to the community; and
- Designing and managing appropriate community justice processes.

There are multiple examples of emerging community justice practices. Community policing, community prosecution, community courts, and community probation are among these examples.

Restorative Justice

Within the context of community justice, restorative justice is a conceptual framework that promotes healing, reparation, and reconciliation of all parties harmed by criminal acts (i.e., victims, community, and offenders). Restorative justice practices are an integral part of a community justice strategy.

Restorative justice includes victims, offenders, and communities in responding to crime. Victims are given the option to play an active role in the justice process from the beginning to its conclusion. Crime is more than a specific offense committed against a particular victim.

It represents “a rupture in society . . . [and] is better conceived as a crisis, pointing to a three-fold breakdown: in an individual's self-control, in the community's ability to maintain healthy behavior standards, and in society's obligation to provide its inhabitants avenues for meeting their physical, psychological and social needs” (Chupp, 1997, p. 2).

Focusing on the harm caused by offenses to victims and communities requires a shift in the response to crime. Instead of committing resources solely to punishment and rehabilitation of the offender, emphasis is placed on natural and logical consequences of his or her criminal behavior. Restorative justice requires active, rather than passive, participation of offenders in the justice process. Typically, offenders are treated as objects of the traditional justice process, being acted upon in response to their offenses. They often are stripped of the opportunity to make choices or have a voice in criminal justice proceedings. They also often are deprived of human dignity. Restorative justice approaches involve the offender in active encounters with victims and community members. Offenders hear about the consequences of their behavior from their victims, and they must respond to victims' and community members' questions about the cause of the behavior. They also take part in developing appropriate ways of restoring victims and the community, as much as possible, to their condition before the crime occurred.

The Deschutes County, Oregon, Probation Department developed a Restorative Justice Corps that provides community work service opportunities for offenders. Offenders

PRINCIPLES OF RESTORATIVE JUSTICE

shelter for the homeless, stocked firewood for poor elderly residents, and accomplished other services for the community.

In a restorative justice framework, offenders have an obligation to repair the harm caused and restore victims. The specific obligations may be decided through a consensus process including the victim, community, and offender. Accountability, therefore, is viewed differently than it is in traditional justice programs. Accountability literally means to answer to, explain something, or to give an account. It is not synonymous with punishment, as it is typically construed in juvenile justice.

In restorative justice, accountability is victim-focused rather than offender-focused. The offender must understand the harm done and how it has affected the victim. The goal is to restore the victim rather than to change the offender.

Although it is not the primary intent of restorative justice, reintegration of offenders is often an outcome of restorative justice processes. Rather than seeking to exclude offenders from society, restorative justice strives to include reintegration of offenders as productive, law-abiding citizens.

The Balanced Approach

First articulated as a mission for juvenile probation agencies, the balanced approach is increasingly incorporated with restorative justice (often referred to as Balanced and Restorative Justice [BARJ]) as part of the fundamental ideology guiding the development and delivery of both adult and juvenile justice services. The balanced approach posits that there are three primary goals of justice: community protection, accountability, and competency development. These three goals are equally important in determining appropriate responses to delinquent offenses and allocating resources. However, this approach allows for offenders to be individually assessed and for differing emphases on various goals depending on a particular situation.

1. Crime is injury.
 2. Crime hurts victims, communities, and offenders and creates an obligation to make things right.
 3. All parties should be a part of the response to the crime, including the victim if he or she wishes, the community, and the offender.
 4. The victim's perspective is central to deciding how to repair the harm caused by the crime.
 5. Accountability for the offender means accepting responsibility and acting to repair the harm done.
 6. The community is responsible for the well-being of all its members, including both victims and offenders.
 7. All human beings have dignity and worth.
 8. Restoration or repairing the harm and rebuilding relationships in the community is the primary goal of justice.
 9. Results are measured by how much repair was done rather than by how much punishment was inflicted.
 10. Crime control cannot be achieved without active involvement of the community.
 11. The justice process is respectful of different cultures and backgrounds— whether racial, ethnic, geographic, religious, economic, age, abilities, family status, sexual orientation, or other—and all are given equal protection and due process.
- Adapted from Pranis, (1998a), p.5

The goal of community protection bolsters the public's expectation of safety and security. Offenders should be maintained in the least-restrictive environment (and at the most-reasonable cost) in which public safety can be reasonably assured. In a Balanced and Restorative Justice framework, it is believed that offenders with strong connections to their communities and who care about people in their neighborhoods are less likely to offend. Therefore, it is important that offenders remain in their communities when possible and that justice practices foster positive relationships among offenders, their families, and community members. Removing offenders from their communities for punitive purposes severs prosocial bonds with families and others and places them with other offenders who may reinforce antisocial values.

Competency development implies that youth should exit the juvenile justice system better able to become productive and responsible in the community than they were when they entered (Bazemore and Washington, 1995). "Competency is the capacity to do something *well* that others *value*" (Pranis, 1998a, p. 24). Offenders need opportunities to perform meaningful roles in the community and contribute to others' well-being. Some areas on which competency development for offenders may focus include (Pranis, 1998a):

- Vocational skills and values;
- Education, knowledge, reasoning, and creativity;
- Personal and social skills, conflict management, and communication skills;
- Decision making, reasoning, and problem solving;
- Citizenship; and
- Health and recreation.

Strengths-based practice is an emerging approach, increasingly incorporated in justice system responses, that complements the goal of competency development. It places emphasis on building on offenders' strengths and positive qualities rather than approaching them from a deficit or pathology frame of reference.

Accountability within a restorative justice context requires that offenders make amends for their crimes by repaying or restoring losses to victims and the community (Bazemore and Washington, 1995). To be accountable is to answer to those affected by one's behavior (Pranis, 1998a). By taking such responsibility, offenders often experience personal growth. Accountability, in this context, should not be confused with punishment and restrictions. Rather, it should focus on repairing harm. Having victim and community involvement in the

accountability process makes it concrete rather than symbolic, and this may be very important, especially with younger offenders and those whose cognitive development is not advanced. Actually seeing their victim and hearing about specific harm they caused that person is much more effective than more nebulous concepts of “offending against the state” and “paying a debt to society.”

However, within the broader context of probation, accountability also has another meaning. The following definition of accountability was developed by the Juvenile Accountability Incentive Block Grants Program (Kurlychek, Torbet, and Bozynski, 1999, p. 1):

Holding a juvenile offender “accountable” in the juvenile justice system means that once the juvenile is determined to have committed law-violating behavior, by admission or adjudication, he or she is held responsible for the act through consequences or sanctions, imposed pursuant to law, that are proportionate to the offense. Consequences or sanctions that are applied swiftly, surely, and consistently, and are graduated to provide appropriate and effective responses to varying levels of offense seriousness and offender chronicity, work best in preventing, controlling, and reducing further law violations.

Examples of strategies that hold juveniles accountable include restitution collection, community service, and drug testing, with appropriate incentives for compliance and suitable sanctions for noncompliance.

Accountability has yet one more implication within probation. Not only should offenders be held accountable for their behavior, but programs also should be responsible for providing the services needed by offenders and achieving appropriate outcomes with offenders (Kurlychek, Torbet, and Bozynski, 1999).

Effective Offender Services: Toward Juvenile Rehabilitation and Reduced Recidivism

The conceptual frameworks just presented (community justice, restorative justice, and balanced approach) are fundamentally changing the philosophy that drives juvenile probation work. Juvenile probation professionals are realizing that their clients include not only the offenders, but the victims and the community as well. They also are developing new intervention approaches consistent with juvenile probation’s multiple goals of public safety,

youth accountability (to victims and the community), youth competency development, and community partnerships to achieve vital, healthy, safe, and just communities. Yet, without diminishing the importance of victim restoration and community partnerships, the traditional role of supervising youth still claims a significant part of juvenile probation professionals' time and efforts. Charged with public safety mandates, juvenile probation professionals must focus on identifying high-risk youth and maximizing efforts to reduce their propensity for continued offending.

A significant body of research has been conducted to determine the characteristics of offenders who are at greatest risk for reoffending as well as the types of juvenile justice and treatment interventions that have been successful in reducing recidivism. This literature on juvenile delinquency and interventions provides significant guidance in the planning, development, and delivery of probation services.

Mendel (2000) has compiled an important document recording new knowledge on youth crime and its causes. This is a valuable foundation for redesigning juvenile probation. The specific research-based findings include the following:

- Only a small percentage of youth become chronic juvenile offenders (Mendel, 2000, p. 12). Juvenile justice efforts, then, should target those youth at highest risk to become chronic offenders.
- Criminal careers almost always begin in childhood (Mendel, 2000, p. 13), emphasizing the need for early crime prevention efforts.
- Those who become serious, chronic, or violent criminals typically follow predictable developmental pathways (Mendel, 2000, p. 13), which helps juvenile justice professionals and others identify and intervene with these children as early as possible to prevent progression to serious delinquency.
- There are common "risk factors" that heighten youths' propensity toward conduct problems and common "protective factors" that can insulate youth against these risks (Mendel, 2000, p. 13). Risk factors can be targeted or counteracted with positive influences to prevent delinquency. Table 10 provides a summary of these risk and protective factors.
- Research shows that the family is the most important factor both in triggering the onset of delinquent behavior and in bringing delinquent behavior under control. Delinquency prevention and intervention efforts that ignore the family context, or address family issues

only marginally, are unlikely to produce lasting change in the behavior of delinquent and at-risk youth (Mendel, 2000, pp. 14–15).

- As young people enter adolescence, connections to delinquent peers can markedly escalate the risk for offending (Mendel, 2000, p. 15). Youth may be better served in programs that minimize interactions among delinquent peers.
- Most young people who commit crimes during adolescence terminate their delinquency by the time they reach adulthood (Mendel, 2000, p. 15). This means that most juvenile offenders are not destined for lives of crime.
- There are two groups of juvenile offenders—those who slip into bad behavior for a brief period of their youth and those who will go on to become lifelong offenders (Mendel, 2000, p. 16). Programs should optimize youth’s chances to make positive connections. The crime problem will be intensified if youthful offenders are alienated from society and not given opportunities to “make it” in the mainstream. They need opportunities to develop practical and social skills required for successful living.

Table 10

RISK AND PROTECTIVE FACTORS FOR JUVENILE DELINQUENCY

Risk Factors	Protective Factors
<u>Community</u> Exposure to violence, drugs, guns, street gangs, and concentrated poverty	<u>Community</u> Positive community activities and connections with caring adults
<u>School</u> Early academic failure, weak attachment to school, and poor school environment	<u>School</u> Academic success, motivation to learn, and a positive school climate
<u>Peers</u> Connection to gangs or other deviant or antisocial peer groups	<u>Peers</u> Connection to positive, prosocial peers
<u>Family</u> Parental abuse or neglect, family history of substance abuse or criminality, frequent family conflict, and neglectful or	<u>Family</u> Consistent and supportive parental supervision and strong attachment to one or both parents

overly harsh parenting	
<u>Individual</u> Early conduct problems, abuse of drugs or alcohol, mental-health problems, rebelliousness, impulsiveness, and poor social problem-solving skills	<u>Individual</u> Resilient temperament, positive outlook, and an orientation to the future

Source: Mendel, R. A. (2000). *Less Hype, More Help: Reducing Juvenile Crime, What Works—And What Doesn't*. Washington, DC: American Youth Policy Forum, pp. 13–14.

Not unlike the foregoing table, other research studies have determined a variety of factors that are most likely to predict youth and adult risk of reoffending. A discussion of offender assessment and the concepts of risk, needs, and classification will be discussed in the next section of this paper. However, briefly, the factors that are most likely to predict reoffending include (Andrews et al., 1990; Huizinga, Loeber, and Thornberry, 1992; as cited by Wicklund, 1995):

- Antisocial/delinquent associations without sufficient influence from others who are not engaged in criminal behaviors;
- Antisocial/anti-authority/procriminal attitudes, values, and beliefs;
- Temperament and personality factors conducive to criminal activity (e.g., weak socialization, impulsivity, egocentricity, below-average verbal IQ, proclivity to engage in risk activities, poor problem-solving and self-regulation skills, lack of empathy);
- History of antisocial behavior from an early age;
- Family factors including criminality, mental-health problems, substance abuse, lack of parental affection, poor supervision by parents, absent or harsh parental discipline, family reliance on welfare, poor work habits and history;
- Difficulties in relationships with others;
- Preference for unsupervised leisure and recreational activities, and
- Being male.

While some of these characteristics are not inherently negative, the accumulation of multiple factors increases the level of risk. Measuring the presence of these risk factors improves the accuracy of providing the appropriate level of supervision and interventions for each offender. The intensity of treatment services should increase with rising levels of risk.

Some of the risk factors listed above are *static*. That is, they are impossible or extremely difficult to change (e.g., being male, I.Q., previous criminal behavior, some family characteristics, and some personality factors). However, other risk factors are *dynamic* and, therefore, are amenable to change (e.g., criminal attitudes, beliefs, and values; attitudes toward authority figures; antisocial peers; substance abuse). It is the latter set of factors, described as *criminogenic needs*, that should be targeted for intervention by the criminal justice system (Fulton, Stone, and Gendreau, 1994).

Research has further delineated several principles or characteristics of offender treatment that are likely to reduce future recidivism, as well as program components that usually are not effective in reducing recidivism. Table 11 provides a summary of effective and ineffective interventions as reviewed by Gendreau (1996).

Based on the research summarized in Table 11, effective programs must be able to intervene with specific criminogenic needs presented by a given offender, and these interventions should be conducted in a way that is compatible with the offender's learning style. Program staff, structure, and treatment modalities also must be appropriate for individual clients. Cognitive behavior social learning models are most effective when targeting criminogenic needs. Programs should model and reinforce prosocial attitudes and behaviors and provide concrete problem-solving and social-skills training. Staff should be firm but fair and capable of relating to offenders in a warm, flexible, and enthusiastic manner (Andrews et al., 1990). Where feasible, treatment programs should be provided for offenders in the community. Community intervention provides opportunities for learning different attitudes and skills through instruction, role playing, and other activities in a treatment setting and a "real life" laboratory for immediately applying these in day-to-day situations. Community members can play a vital role for providing effective feedback to offenders as they implement new learning in school, work, and other settings.

Table 11

EFFECTIVE AND INEFFECTIVE OFFENDER INTERVENTIONS

Effective	Ineffective
<ul style="list-style-type: none"> • Services should be intensive and behavioral in nature, occupying 40–70 percent of the offenders' time while in a program and lasting three to nine months. Behavioral programs are based on operant conditioning principles, using reinforcement to strengthen desired behaviors. These may include token economies, modeling, and cognitive behavioral approaches. • Treatment should be matched to the offender's risk level, and behavioral programs should target the offender's criminogenic needs. • The characteristics of offenders, therapists, and programs should be matched. Delivery of treatment should facilitate the offender's learning of new prosocial skills. • Programs should be firm but fair in enforcing appropriate behavior. Positive reinforcers should exceed punishment by at least 4 to 1. • Therapists should be trained and supervised and should relate to offenders in interpersonally sensitive and constructive ways. • Programs should be designed to place offenders in situations where prosocial activities prevail. • Relapse prevention strategies should be available following program completion. • Advocacy and brokerage for appropriate services should be provided. 	<ul style="list-style-type: none"> • Traditional "Freudian" psychodynamic and "Rogerian" nondirective or client-centered therapies, such as "talking" cures, insight therapies, and anger venting. • "Medical Model" approaches, including diet changes and medications. • Subcultural and labeling approaches that emphasize respecting the offender's culture or that divert offenders from the justice system to avoid stigmatization. • Programs that target low-risk offenders. • Programs targeting offender needs that are weak predictors of criminal behavior (e.g., anxiety and depression). • "Punishing smarter" strategies, such as increasing contacts, home confinement, shock incarceration, boot camps, and others.

Source: Gendreau, P. (1996). The Principles of Effective Intervention with Offenders (Chapter 5). In A. T. Harland (Ed.), *Choosing Correctional Options That Work: Defining the Demand and Evaluating the Supply*. Thousand Oaks, CA: SAGE Publications.

The juvenile justice research literature also has identified several specific intervention programs that have proven effective with delinquents. These include the following (Mendel, 2000):

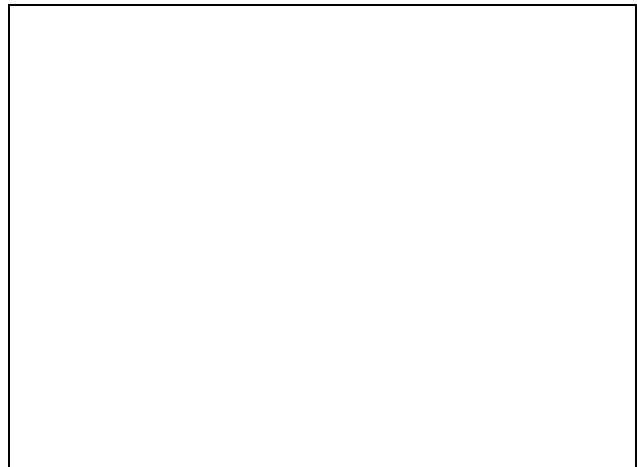
- Multisystemic Therapy has been more effective than conventional services in several studies. Trained therapists work with both youth and their families following a set of principles and procedures.

- Functional Family Therapy also targets both the family and the youth's behavior, working with them in their homes. It uses intensive and research-based approaches to reverse negative dynamics.
- Multidimensional Treatment Foster Care has been found to be effective in preventing youths' progression to group homes or corrections facilities.
- Structural Family Therapy also has shown advantages over both individual and group counseling for youth.
- Multidimensional Family Therapy has been successful in allaying behavior problems among substance-abusing youth.
- Wraparound Services are designed to provide individualized services and support for youth in their homes rather than placing them in group homes or residential treatment centers.

Integration of Community Justice, Balanced and Restorative Justice, and Offender Rehabilitation

Presented as discrete philosophies or approaches for providing juvenile probation services, the foregoing discussions may leave juvenile probation professionals feeling that the task is too broad and too nebulous for them to adequately address. While providing probation services in today's context is certainly an arduous task, these concepts can be assimilated into a comprehensive approach to juvenile probation that provides a challenging, but achievable, mission.

Figure 15 illustrates these integrated concepts graphically. Using the framework of the balanced approach, the three primary goals of probation are community protection, offender accountability, and offender competency development. The other three approaches discussed are placed on the triangle, connecting these goals, and the parties involved—victims, offenders, community members, and justice professionals—are operating within the framework. Community justice particularly addresses issues of community safety and



vitality, while holding offenders responsible for meeting the community's behavioral norms (accountability). Restorative justice emphasizes holding offenders accountable to victims for the harm they have done and also may be helpful in offenders learning more prosocial behaviors through their interactions with victims and other community members. Offender rehabilitation provides treatment to offenders to increase their competencies and to reduce recidivism, thus keeping communities safer. Figure 15 and this discussion are not intended to limit any of these approaches, but merely to serve as examples of how the concepts may be integrated. For example, community justice also may emphasize providing services that offenders need as part of their rehabilitation.

There is common ground among these approaches that makes them compatible in redesigning juvenile probation programs. For example, all seek to improve the quality of life within the community. They all advocate for victims' rights and are concerned about the reintegration of offenders as productive members of the community. They all support the management of lower-risk offenders in the community where they are held accountable, while highest-risk offenders should be incapacitated for the protection of the public.

Activities engaged in by juvenile probation agencies and the other constituents of the juvenile justice system (victims, offenders, community members) may serve a variety of purposes. However, it is unlikely that specific activities will always be equally useful in accomplishing each of the goals and approaches discussed. Therefore, when selecting sanctions for offenders and tasks for other members of the juvenile justice system, care must be taken to balance them so that all goals will be addressed. For example, the research on offender rehabilitation has not found victim restitution to be especially useful as a means of reducing offender recidivism (Gendreau, 1996). However, it is a vital component of a restorative justice approach that helps victims recoup the losses suffered from their victimization. Similarly, increased surveillance methods, including home confinement and electronic monitoring, have not proven particularly effective in reducing recidivism (Gendreau, 1996), but these strategies may be important for public protection while offenders are receiving treatment services to increase their behavioral controls.

Reinventing Probation

Since 1997, a group of adult and juvenile probation leaders have been meeting and addressing some of the present problems identified with probation and advocating for changes to make it a more constructive component of the justice system. Formed into the Reinventing Probation Council, this group recently published an account of its labors, *Transforming Probation Through Leadership: The “Broken Windows” Model* (Reinventing Probation Council, 2000b) that summarizes the systemic deficiencies of probation and proposes strategies needed to revitalize it as a crucial and valued component of the justice system. According to the Reinventing Probation Council (2000a, p. 27):

“Broken Windows” is borrowed from a famous book entitled “Fixing Broken Windows” by James Wilson and George Kelling. The premise of the book is that broken windows (figuratively speaking) are one of many signs of social disorder. If we fix broken windows (signs of social disorder) we will fix small problems before they become big ones. The book emphasizes community involvement in caring about and fixing broken windows.

The Reinventing Probation Council (2000b) took a critical and honest look at probation to assess its flaws and weaknesses. They determined the following:

- There is a lack of confidence by the public in the justice system’s ability to provide for public safety.
- Recidivism rates for offenders on probation are unacceptably high (i.e., “the overall performance of probationers ranges from poor to dismal” [p. 5], because about two-thirds of adult probationers nationally commit another crime within three years of their sentence. In 1998, only 59 percent of adult probationers successfully completed their probation supervision).
- Probation supervision too often fails to promote public safety, enforce the orders of the court, and obtain needed treatment services to help offenders live successfully in the community without committing other crimes. Research shows that nearly half of all adult probationers fail to comply with their probation terms, but enforcement is often irregular and ineffective.
- The number of offenders on probation has increased significantly in recent years, but financial support has remained the same and has even declined in some cases. This insufficient funding often results in understaffing and unacceptably high caseloads.

Besides these general failings in both adult and juvenile probation, Mendel (2000) identifies several issues particularly pertinent to the juvenile justice system that affect juvenile probation services. These include:

- There are significant imbalances between institutional and community-based juvenile services, leaving far too few resources for community-based programs. The majority of juvenile justice funds are spend on a small segment of the juvenile offender population placed in correctional facilities. This imbalance severely limits probation's ability to provide effective services.
- Traditionally, funding and other resources have not been sufficient to provide the type of intensive nonresidential sanctions and services needed by high-risk youth.
- There has been insufficient use of research-based program models that have proven effective.
- Inadequate data are collected, and evaluation of probation programs has been limited.

Having identified probation's shortcomings, the Reinventing Probation Council (2000b) then turned its attention to seven "Key Strategies for a Rational Probation System." These strategies are based on a belief that "probation must be clear about its purpose and own the problem of public safety. Probation's practices must be driven by a clear and convincing set of values. . . ." (p. 18).

The seven strategies are as follows. They will be used to organize the next session of this paper, which explores probation practices that are proving promising in the probation field's process of reinventing itself.

- Strategy #1: Place Public Safety First;
- Strategy #2: Supervise Probationers in the Neighborhood, Not the Office;
- Strategy #3: Rationally Allocate Resources;
- Strategy #4: Provide for Strong Enforcement of Probation Conditions and a Quick Response to Violations;
- Strategy #5: Develop Partners in the Community;
- Strategy #6: Establish Performance-Based Initiatives; and
- Strategy #7: Cultivate Strong Leadership.

